

Kevin G. Little, SBN 149818  
Michelle L. Tostenrude, SBN 290121  
**LAW OFFICE OF KEVIN G. LITTLE**  
Post Office Box 8656  
Fresno, California 93747  
Telephone: (559) 342-5800  
Facsimile: (559) 242-2400  
E-Mail: kevin@kevingliddle.com

Attorneys for Plaintiffs Maria Velarde-Crist  
and Michael Crist

Kathleen M. Hartman, SBN 219934  
**CALLAHAN, THOMPSON, SHERMAN & CAUDILL, LLP**  
2601 Main Street, Suite 800  
Irvine, California 92614  
Telephone: (949) 261-2872  
Facsimile: (949) 261-6060  
E-Mail: khartman@ctsclaw.com

Attorneys for Defendant Dr. Nicolas Retana

**IN THE UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

MARIA VELARDE-CRIST; and MICHAEL  
CRIST,

Plaintiffs,

v.

EZEQUIEL TAFOYA ALVARADO  
ACADEMY; DR. NICOLAS RETANA; RUBI  
BERNAL; and DOES 1-20,

Defendants.

Case No.: 1:20-cv-01306-AWI-BAM

**STIPULATION AND ORDER TO  
CONTINUE FILING DEADLINES AND  
HEARING RELATED TO DEENDANT DR.  
NICOLAS RETANA'S MOTION FOR  
SUMMARY JUDGMENT**

Motion Hearing: October 24, 2022  
Action Filed: September 13, 2020  
Trial Date: August 29, 2023

SUBJECT TO THE APPROVAL OF THE COURT, the parties hereby stipulate to the  
following:

1 WHEREAS, Plaintiffs' head counsel of record is still in an ongoing trial on a federal  
2 murder case with multiple defendants, Eastern District of California Case No. 1:18-cr-00002-  
3 JLT-SKO. This trial began on May 30, 2022, and was originally anticipated to take  
4 approximately eight weeks. However, since its commencement, this trial has been stalled and  
5 delayed over several weeks, due to a number of the parties contracting Covid-19 at different  
6 times throughout the trial, including multiple members of the jury. As a result, this trial is now  
7 expected to last through the middle of September at the earliest.

8 WHEREAS, the current deadline for Plaintiffs to file their opposition to defendant Dr.  
9 Nicolas Retana's motion for summary judgment is September 9, 2022, and the hearing for  
10 defendant's motion is currently scheduled for October 24, 2022. Plaintiff's counsel anticipates  
11 being in the aforementioned trial through all of the filing deadlines associated with this motion as  
12 they are currently calendared.

13 WHEREAS, the parties have agreed to mediate this matter to see if a mutually-agreeable  
14 resolution can be achieved. The mediation is currently scheduled for September 16, 2022. Should  
15 the parties be able to resolve this action at the mediation, defendant Dr. Nicolas Retana's motion  
16 and all associated deadlines will become moot.

17 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the  
18 respective attorneys of record for Plaintiffs and defendant Dr. Nicolas Retana, subject to the  
19 approval of the Court, as follows:

- 20 1. Plaintiffs' deadline to file their opposition to defendant Dr. Nicolas Retana's  
21 motion for summary judgment filed on July 29, 2022, shall be extended to September 20, 2022;
- 22 2. Defendant Dr. Nicolas Retana's deadline to file his reply to Plaintiffs' opposition  
23 shall be extended to September 27, 2022; and
- 24 3. The hearing on defendant Dr. Nicolas Retana's motion for summary judgment  
25 will remain on October 24, 2022, or shall be continued to November 7, 2022, or a date as soon  
26 thereafter as the Court is available.

27 //

1 Dated: September 8, 2022

LAW OFFICE OF KEVIN G. LITTLE

2

3

/s/ Kevin G. Little

4

Kevin G. Little  
Attorneys for Plaintiffs Maria Velarde-Crist,  
and Michael Crist

5

6

7 Dated: September 8, 2022

CALLAHAN, THOMPSON, SHERMAN,  
& CAUDILL, LLP

8

9

/s/ Kathleen M. Hartman

10

Kathleen M. Hartman  
Attorneys for Defendant Dr. Nicolas Retana

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

KGL

27

28

**FINDINGS AND ORDER**

The parties having so stipulated, and good cause appearing therefor, the Court orders as follows:

1. Plaintiffs' deadline to file their opposition to defendant Dr. Nicolas Retana's motion for summary judgment filed on July 29, 2022, shall be extended to September 20, 2022;
2. Defendant Dr. Nicolas Retana's deadline to file his reply to Plaintiffs' opposition shall be extended to September 27, 2022; and
3. The hearing on defendant Dr. Nicolas Retana's motion for summary judgment shall remain scheduled for October 24, 2022.

IT IS SO ORDERED.

Dated: September 9, 2022

  
\_\_\_\_\_  
SENIOR DISTRICT JUDGE

KGL